

member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

“(d) SUBCOMMITTEES.—

“(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

“(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

“(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

“(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

“(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

“(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

“(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

“(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

“(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

“(g) DEFINITIONS.—In this section:

“(1) ADVISORY COMMITTEE.—The term ‘Advisory Committee’ means the aviation security advisory committee established under subsection (a).

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).

“(3) PERIMETER SECURITY.—

“(A) IN GENERAL.—The term ‘perimeter security’ means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

“(B) INCLUSIONS.—The term ‘perimeter security’ includes the fence area surrounding

an airport, access gates, and access controls.”.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new item:

“44946. Aviation Security Advisory Committee.”.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1204), as amended, was passed.

TRANSPORTATION SECURITY ACQUISITION REFORM ACT

Mr. REID. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2719 and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2719) to require the Transportation Security Administration to implement best practices and improve transparency with regard to technology acquisition programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Ayotte amendment, which is a substitute amendment, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3978) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2719), as amended, was passed.

TRIBUTES TO DEPARTING SENATORS

TIM JOHNSON

Mr. REID. Mr. President, if the words Hemingway said so clearly—“man is not made for defeat”—applied to anyone in the world, they certainly apply to TIM JOHNSON. He is a testament to this sentiment because he never ever acknowledged defeat. He refuses to be defeated.

TIM never lost an election. He served in the House of Representatives from 1987 to 1997—for 10 years. He served in the State legislature. They weren't all easy votes and weren't all easy elections. He won his election in 2002 by 524 votes. Hundreds of thousands of votes were cast, but he won by 524 votes.

Senator TIM JOHNSON refused to succumb to defeat because he knew he was fighting for the people of South Da-

kota. He fought for South Dakota jobs when he fought to keep Ellsworth Air Force Base open and running. It was based near Rapid City, and he saved it from closing. He worked to this end, saving thousands of jobs, preserving a thriving economy based on that Ellsworth Air Force Base.

During his tenure in the House and Senate he fought for water, which is so important. People from so many other States don't realize how important water is to States such as South Dakota and many Western States. Water is something you always have to keep your eye on. He secured funding for the Mni Wiconi Rural Water Project and the Lewis and Clark Rural Water System. Combined, those two projects provided clean drinking water to some 400,000 people. That is half the population of the State of South Dakota.

Without question though, TIM's biggest fight took place in 2006. I can still remember that so clearly. I got a call from his chief of staff saying: You need to go to the hospital. TIM has been taken by ambulance to George Washington. So I went there because TIM had suffered a very bad bleed on the brain. He was born with this situation—no one knew of course—but it suddenly hit him. Lots of people have this condition, but most people don't have a bleed on their brain, but TIM did. I was there in the hospital with him. Barbara was there, his daughter Kelsey, and his two boys, Brendan and Brooks, came in as soon as they could. One was serving in the military after having seen combat duty as a member of the U.S. Army. The other boy is a lawyer and is now a U.S. attorney in South Dakota.

It was a very difficult time for his family and a difficult time for him especially. He was in surgery on more than one occasion. His life was threatened. Many people don't survive this difficult situation he was hit with. But he is a huge man. I, frankly, never realized how physically big and strong he was until I saw him lying there in the hospital. But TIM met these physical challenges, and they were very difficult. Ten months later he was back working in the Senate. He was here on the floor.

After this incident, his physical body would never be the same, but his mental capacity is better than ever. With the support of his wife Barbara, since 1969, and their three children, whose names I have already mentioned, he made this remarkable recovery. It was all very difficult. He had to learn to talk again, he had to learn to walk again, and much of his life now is physically different than it was before. He is now, a lot of times, in a wheelchair, but he has never asked for any sympathy. He has pushed forward as he always has his whole life.

Regardless of these changes to his body, his honorable, indomitable spirit is the same. One newspaper recently said, in speaking of TIM's return to the Senate: